

ADMINISTRATIVE MANUAL  
TOWN OF LOS GATOS

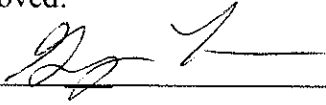
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Subject: Library Rules of Conduct

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Approved:



Effective Date:

1/11/2012

Revised Date:

04/01/2013

05/01/2014

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PURPOSE

The Los Gatos Library is a gathering place for enrichment of community life. As such, the library strives to provide a safe, comfortable, clean, supportive and informal environment for the community. To ensure that all library users have a positive experience, all visitors are expected to comply with the following policy. Appropriate library conduct includes activities such as reading, studying, properly using library materials or computers and other similar conduct normally associated with a public library.

SCOPE

No individual may engage in inappropriate conduct on the premises of the Town of Los Gatos Library, or when using library facilities, or when participating in library programs. Visitors shall be engaged in normal activities associated with the use of a public library while in the building. Visitors not engaged in reading, studying, or using library materials or computers may be asked to leave the building.

Inappropriate conduct includes any individual or group activity which is unreasonably disturbing to other individuals lawfully using library facilities, materials and/or premises or is otherwise inconsistent with activities such as reading, studying, properly using library materials and other similar conduct normally associated with a public library.

When possible, staff will first educate individuals about the applicable policies before taking stronger measures to enforce those policies. Staff may ask a visitor who is in violation of the Library Rules of Conduct to leave Library property, and may call the Police Department for assistance if necessary. Although the policy is designed for progressive application, staff will use their judgment in each situation to decide the severity of the offense and the appropriate course of action, including a ban from Library property. Likewise, visitors are subject to arrest at any time if their behavior warrants it.

Visitors to the Los Gatos Library are responsible for the consequences of their choices and actions. The library retains the right to take any action necessary to ensure a safe and pleasant environment for everyone. Individuals who do not comply with the following rules may lose their library privileges.

## POLICY

### **Respect the right of everyone in the library to enjoy a pleasant environment.**

- Follow all library rules, policies, and procedures; comply with the requests of library staff.
- Obey all applicable federal, state, and local laws.
- Behave appropriately and immediately report to library staff any behavior that is disruptive, threatening, abusive, or questionable in any way.
- Strive to keep conversations quiet; make cell phone calls or any audio conversation (i.e. Skype) as discreet as possible or take these conversations outside; take disruptive children outside.
- Selling, soliciting, surveying, distributing written materials, panhandling or canvassing for any political, charitable or religious purposes inside a library building, doorway or vestibule without prior authorization of the Town Librarian or designee is prohibited.
- Individuals whose conduct or personal hygiene disturbs others will be asked to leave the library.
- Consume all food and drinks in a discreet manner & away from library electronic equipment, making sure to clean up when you are finished.
- Turn off or disable any audible equipment or devices while in the Library or, alternatively, use earphones.
- Personally monopolizing library space, seating, tables or equipment to the exclusion of other visitors or staff is not permitted.
- Smoking is not permitted anywhere in the library building or within 50 feet of any entrance.
- Use of abusive, threatening, harassing or insulting language and/or behavior will not be tolerated.
- Engaging in any behavior that a reasonable person would find to be disruptive, harassing, or threatening in nature to library users or staff including stalking, prolonged staring at or following another with the intent to annoy or intentionally behaving in a manner that could reasonably be expected to annoy or disturb other visitors will not be tolerated.

**Keep your Library a safe place.**

- For their safety, children under age 10 must be supervised by an adult at all times.
- Secure/monitor your property; the library is not responsible for loss or theft. Items may be removed from the library premises if they reasonably appear to be abandoned or have been left unattended for 30 minutes or more.
- Avoid activities on library premises that could cause injury to you or to others.
- Large or bulky items (such as a bicycles, wagons, skateboards, etc.), or any item that might create a safety hazard, must be left outside the library.
- Unattended bags, baggage, or packages are not permitted inside or outside the library.
- Library entrances, exits, elevators, stairs, or aisles may not be blocked.
- Clothing (tops and bottoms), including footwear, must be worn in the library.
- Sleeping, napping or dozing in or on library premises is not permitted.
- Being under the influence of alcohol/illegal drugs and selling, using or possessing alcohol or illegal drugs in the library is prohibited.
- Maintain responsibility for the safety, well-being and conduct of the minors in your charge. *See Minors in the Library Policy.*

**Treat your library appropriately and with respect.**

- Use library facility, materials, and furnishings as intended; Moving furniture without the express consent of the library staff or use of furniture in any manner that may damage the furniture, to include placing feet on the furniture is prohibited..
- Bathing, shaving, & doing laundry are prohibited in the library, including the library restrooms.
- Damage and/or destruction of library materials or property are violations of ***California Penal Code Section 594.***
- The library facility may not be used for conducting or soliciting business.
- The library welcomes assistance animals with their companions; all other animals must remain outside (except as part of a sponsored library program).
- Violating the library's rules for acceptable use of the internet and library public

computers shall not be tolerated. A user accepts these rules before accessing the Internet through a library computer. Copies of these rules will be made available by staff upon request.

- Exhibiting harmful or offensive materials to minors, whether in print or on an electronic screen, is prohibited.
- Library staff has limited resources, including time. Requests for library services should be concise and non-duplicative. Any patron deemed to be monopolizing or abusing staff resources may be asked to submit all requests in writing, to be addressed as staff time and resources permit.
- Refusing to follow the reasonable directions of library staff shall not be tolerated.

### STAFF RESPONSE TO INFRACTIONS

Violation of these rules is misconduct that can result in expulsion from the library and forfeiture of library privileges. Minor violations of these rules will first result in library staff attempting to educate or warn individuals about the policies before enforcing such policies. However, any conduct that threatens the life or safety of any person or that is damaging to library property, equipment or facilities may result in immediate expulsion from the library premises. Library staff is authorized to contact the Town Police Department to respond to such situations. Repeat misconduct or severe offenses (even if a single isolated event) may result in individuals being banned from the library from a week to 180 days. Staff will follow the established procedures below. Staff will call the police for severe or illegal behavior or when an individual refuses to leave when told by staff to do so.

Length of Ban: Based on the severity of the misconduct, an offender is subject to a ban for one day, one week, one month, or permanently with the possibility of appeal.

Phase one: Staff may bar a visitor for the day, hand them a copy of the Rules of Conduct, and warn them that further violations of the Rules could lead to imposition of a longer ban. Staff shall explain the reasons for the ban. If the visitor refuses to leave the library facilities, Staff should contact the Police Department for assistance. Staff will document the ban with a staff security report & an incident number from police dispatch.

Phase two: Staff may ban repeat or severe offenders for one week from the date of the first or repeat incident. Staff should contact the Police Department to report a disruptive patron and request Officer assistance. When the Officer/Police Assistant arrives, the staff member should provide details to him/her about the situation and request that the Police Assistant/Officer assist in banning the offender for one week. The Officer/Assistant shall obtain identification from the violator and the violator will be handed a copy of the Rules of Conduct, receive a letter from either a police officer or administrative staff explaining the week- long ban and its consequences, and be warned that further violations of the Rules of Conduct could lead to imposition of a longer ban. Staff will document the ban with a staff security report & an incident number from

police dispatch.

Phase three: Staff may ban repeat or severe offenders for one month from the date of the third incident or second severe incident. This is for repeat or severe offenders of the Library Rules of Conduct who have already been banned for a week. Staff should call the non-emergency number to report a disruptive patron and request Police Officer assistance. When the Officer arrives, the staff member should provide details to him/her about the situation and request that the Police Officer assist in banning the offender. The Officer shall obtain identification from the violator and the violator will be handed a copy of the Rules of Conduct and be issued a written letter by either a police officer or administrative staff explaining the seriousness of the month-long ban and warning them that further violations of the Rules of Conduct could lead to imposition of a longer ban. Staff will collect available identifying information and file an incident report with the Police and on the staff security report.

180 day ban: An individual who interrupts the work of Library staff employees by continuously violating the Library's Rules of Conduct and has been barred from the library for a month may be banned for 180 days. Staff should call the non-emergency number to report a disruptive patron and request officer assistance. When the Officer arrives, the staff member should provide details to him/her about the situation and request that the Police Officer assist in banning the offender. The Officer shall obtain identification from the violator and a Final Notice of Trespass letter will be issued as a written letter by either the police officer or administrative staff to the individual or be sent first class mail to the offending individual's home address. All information surrounding the incident will be given to the police and the Town Attorney's office will be notified. Staff will file an incident report with the police department & on the staff security report.

#### Special Considerations for Minors under 18 years of age:

While children between the ages of 10 and 17 may be present in and use the Library independently of parents or caregivers (children under the age of 9 must be accompanied by an adult), they are accountable for their behavior and may be subject to the same progressive bans as adults. The following procedure modifications may apply with minors between 10 and 17:

Staff will make reasonable effort to call parents, caregivers, or adult person of record about the problem behavior of child.

Staff will not call the Town Police to remove a child under 18 from the building and property unless the problem behavior is severe, aggressive, threatening, repetitive or is creating a significant disturbance to visitors and staff and there is no other recourse.

For a Phase two and above ban, the Police Officer, in addition to obtaining identification will obtain information regarding the minor's parents, caregivers, or adult person of record. Staff will call the parent, caregiver, or adult person of record of a child who is an ongoing behavior problem (multiple bans without correction of behavior) and/or send a letter from Library Administration explaining reason(s) for child's ban, duration of ban, terms of ban, and terms of

required meeting with Library Administration before return of Library privileges for child will be considered.

### Appeal

A visitor may request an appeal of the ban in writing to the Town Librarian within ten working days of the ban notification.

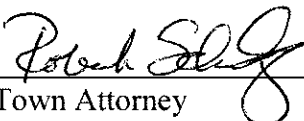
### **THE BAN FROM THE LIBRARY SHALL REMAIN IN EFFECT DURING THE APPEAL PROCESS.**

The Town Librarian will respond in writing within ten working days. If the visitor is not satisfied with the Town Librarian's response, the visitor may appeal in writing within ten working days to the Town Manager. The Town Manager shall hold a hearing within 30 days after the notice has been filed. The appellant shall be notified at least 10 days before the hearing. Within 30 days of the completion of the hearing, the Town Manager shall issue a written decision stating the reasons therefore. The Town Manager shall have the power to affirm or reverse the written determination or to remand it to the Director or designee with instructions for reconsideration. The decision, except for remand, shall be a final determination for the purposes of judicial review.

### NON-COMPLIANCE WITH BAN - TRESPASSING:

If a banned individual enters the Town of Los Gatos Library before the return date listed in the ban letter, police will be called and individual may be arrested for trespassing under Town Code Section 18.10.020 and/or Penal Code Section 602 & 415.

APPROVED AS TO FORM:

  
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Town Attorney